

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Douglas Vasquez,

Plaintiff

v.

Gibraltar Hospitality Services, LLC
doing business as 7th and Carson,

Defendant

Case No. 2:23-cv-00441-CDS-DJA

Order Setting Fairness Hearing on
Plaintiff's Unopposed Motion for
Preliminary Approval of Class Action
Settlement

[ECF No. 23]

On October 30, 2023, the parties filed a joint notice of their tentative settlement. ECF No. 16. After ongoing negotiations to memorialize and file the written settlement agreement, plaintiff Douglas Vasquez filed an unopposed motion seeking approval of the Fair Labor Standards Act (FLSA) collective action settlement. ECF No. 23. The Ninth Circuit has recognized that “FLSA claims may not be settled without approval of either the Secretary of Labor or a district court.” *Seminiano v. Xyris Enter., Inc.*, 602 F. App’x 682, 683 (9th Cir. 2015) (citing *Nall v. Mal-Motels, Inc.*, 723 F.3d 1304, 1306 (11th Cir. 2013)). District courts may approve settlements in FLSA suits “to promote the policy of encouraging settlement of litigation” when a proposed settlement “reflect[s] a reasonable compromise over issues.” *Lynn’s Food Stores, Inc. v. U.S. By & Through U.S. Dep’t of Lab., Emp. Standards Admin., Wage & Hour Div.*, 679 F.2d 1350, 1354 (11th Cir. 1982).

“The standard for approval of an FLSA settlement is lower than for a Rule 23 settlement because an FLSA settlement does not implicate the same due process concerns as does a Rule 23 settlement.” *Gamble v. Boyd Gaming Corp.*, 2017 WL 721244, at *9 (D. Nev. Feb. 23, 2017). While the FLSA does not “expressly set forth criteria for courts to consider in determining whether an

1 FLSA settlement should be approved, nor has the Ninth Circuit established any particular
2 criteria[.]” “the majority of Rule 23’s fairness factors are instructive and relevant.” *Id.* at *9–*11.

3 Thus, IT IS THEREFORE ORDERED that although Rule 23 does not expressly mandate
4 that a fairness hearing be held in FLSA actions, argument related to Vasquez’s unopposed
5 motion for approval of the settlement will be heard on **January 12, 2024, at 11:00 a.m.** in LV
6 Courtroom 6B.

7 DATED: December 27, 2023

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9 Cristina D. Silva
10 United States District Judge
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